



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON, D.C. 20370-5100

TRG  
Docket No: 2853-00  
19 October 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 17 October 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Marine Corps on 17 July 1980 at age 17. The record shows that during 1981 you received nonjudicial punishment on three occasions. Your offenses were an unauthorized absence of about five days, absence from your place of duty, breaking restriction, possession of marijuana, and possession of a percussion primer and a blank M16 round.

Subsequently, you committed other offenses and were processed for an administrative discharge by reason of misconduct. On 12 January 1992 the commanding officer recommended your discharge under other than honorable conditions and noted that disciplinary action was pending. On 27 January 1982 you were convicted by a summary court-martial of wounding a Marine with a knife, assaulting four other Marines with your fists, several absences from your place of duty, disobedience and breach of the peace. On 9 April 1982 the discharge authority approved the recommendation of your commanding officer that you be discharged for misconduct with a discharge under other than honorable conditions. You were so discharged on 16 April 1982.

In its review of your application the Board weighed all

potentially mitigating factors, such as your youth and desire for a better characterization of service. The Board found that these factors were not sufficient to warrant recharacterization of your discharge given the frequency of your misconduct and especially the seriousness of the assault charges of which you were convicted by the summary court-martial. The Board concluded that the discharge was proper as issued and no change is warranted.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director